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**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL OCEAN SERVICE  
Office of Response and Restoration  
Silver Spring, Maryland 20910

November 26, 2002

Mary D. Nichols, Resources Secretary  
California Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

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AR: Montrose Settlements Restoration Program  
Administrative Record

Title: Letter requesting representation of California  
Resources Agency on the Montrose Trustee  
Council

Secretary Nichols:

I am writing to request your help in ensuring that the State of California is appropriately represented in a major natural resource restoration program along the southern coast of California. Costs incurred by state agencies will be fully reimbursed or paid in advance.

Background

In December 2000, settlement of the *Montrose et. al.* lawsuit resulted in one of the largest awards in the nation's history for restoration of natural resources injured by DDT and PCB discharges into the Southern California Bight. In addition to funding to clean up DDT and PCBs in contaminated offshore sediments, the settlement provides nearly \$40 million for natural resource restoration that will occur over a 10-year time frame. A multi-agency Trustee Council is responsible for planning and implementing the restoration program using the settlement funds. The six natural resource trustee agencies comprising the Montrose Trustee Council are: the California Department of Fish and Game (CDFG); the California State Lands Commission (SLC); the California Department of Parks and Recreation (State Parks), the National Park Service (NPS); the U.S. Fish and Wildlife Service (FWS), and the National Oceanic and Atmospheric Administration (NOAA).

The DDT and PCB discharges at issue in the case caused serious injury to bald eagle and peregrine falcon populations in the Channel Islands, as well as contaminating fish species sought by recreational and subsistence anglers in southern California. The Montrose Trustee Council decided to dedicate full-time agency staff to develop a comprehensive restoration plan and implement restoration projects. Our staffing plan for the Montrose Settlements Restoration Program (MSRP) consists of a NOAA full-time employee for the program manager, a FWS employee for a bird biologist, and a CDFG employee for a marine biologist. Full salaries and related costs for these staff would be paid by settlement funds. On behalf of the Trustee Council, NOAA hired the full-time program manager in September 2001, and FWS provided their dedicated bird biologist in July 2002. To date, a dedicated marine biologist from CDFG has not joined the core team in Long Beach.



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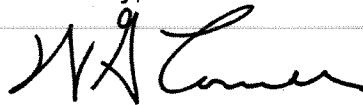
Scoping for the MSRP Restoration Plan and EIS/R was initiated in August 2001. We have already started a study of fish contamination levels to support restoration planning as well as a pilot release of bald eagles on the northern Channel Islands. Ms. Patty Velez of CDFG serves on the Trustee Council and has provided invaluable assistance as a team member in this process. But there are many demands on her time. To keep the restoration program moving forward, NOAA provided temporary support from a marine biologist to coordinate the technical program activities associated with the fish collection/analysis and outreach and education program elements. However, consistent with the Trustee Council's original staffing plan, the MSRP program budget continues to include funding for a full-time personnel year (PY) in CDFG to represent the State in the restoration planning process and technical program execution.

How You Can Help

Restoration planning activities are progressing at a rapid rate, and the need for a qualified, full-time marine biologist to support the MSRP team is critical. The State of California, comprising half of the Montrose Trustee Council, should be represented in a full-time capacity to ensure the MSRP benefits from the extensive technical capability of the State of California, and that the restoration projects selected for implementation fully consider the State's policies and priorities. Although we recognize the budgetary constraints facing the State of California at this time, I can assure you that this position would be fully funded by the MSRP for a minimum of ten years.

As Chair of the Montrose Trustee Council, I urgently request that you support CDFG in its efforts to provide a full-time marine biologist to work with our inter-agency team in Long Beach. I look forward to your response and would be happy to answer any questions you might have at (301) 713-3038 extension 190.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Conner', written over a horizontal line.

William Conner  
Chair, Montrose Trustee Council

Cc: Robert Hight, Director, Department of Fish and Game,  
Harlan Henderson, Administrator, OSPR